

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

STRIDER ROGNIRHAR, a/k/a)
Jonathan Picollo,) 4:05CV3130
Plaintiff,) MEMORANDUM AND ORDER
vs.)
KURT KINLUND, et al.,)
Defendants.)

This matter is before the court on filing no. 5, the Motion for Preliminary Injunction or Restraining Order, filed by the plaintiff, Strider Rognirhar; and filing no. 13, the plaintiff's Motion for Initial Review. In his Amended Complaint (filing no. 10), the plaintiff, a prisoner in the custody of the Nebraska Department of Correctional Services ("DCS"), asserts federal civil rights claims pursuant to 42 U.S.C. § 1983 against corrections officials of the States of Nebraska and California who have allegedly sought to transfer the plaintiff from DCS custody to a California prison in retaliation for the plaintiff's exercise of his First Amendment rights.

The court has previously entered an Order on Initial Review (filing no. 12). Therefore, to that extent, filing no. 13 is granted. Filing no. 5, the plaintiff's Motion for preliminary injunctive relief, however, will be denied as premature because no defendant has yet entered an appearance or answered the complaint. Upon the entry of appearance by the defendants, the plaintiff may reassert his motion, if he deems appropriate.

IT IS, THEREFORE, ORDERED:

1. That filing no. 5 is denied as premature, without prejudice to reassertion once the defendants have entered their appearance; and
2. That filing no. 13 is granted, in that the court has already entered an Order on Initial Review.

DATED this 21st day of November, 2005.

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON
Chief District Judge